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|-------------------------------|-----------------|--------------|
| <b>Notice of Allowability</b> | Application No. | Applicant(s) |
|                               | 10/646,349      | MARSH ET AL. |
|                               | Examiner        | Art Unit     |
|                               | Devon C. Kramer | 3683         |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to the RCE filed on 11/14/05.
2.  The allowed claim(s) is/are 31-40.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 11/14/05
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

DEVON C. KRAMER  
PATENT EXAMINER  
Devon Kramer  
12/13/05

**EXAMINER'S AMENDMENT**

1) An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Brian Kondas on June 29, 2005.

The application has been amended as follows:

Specification page 1, before "Background of the Invention" insert,

--Related Applications

This application is a continuation of US patent 6,769,744 filed on May 25, 2000 entitled "Spring Brake Modulating Relay Valve".--

Specification Page 8 lines 15-16, "the lower portion 154" should be --the lower portion--;

Specification page 9 lines 3-4, "the modulating piston 154" should be --the modulating piston 134--;

Specification page 9 line 29, "modulating end 154" should be --modulating end--;

Claim 31 line 26, "the opposite side" should be --an opposite side--;

Claim 31 line 28, "the absence of air pressure" should be --an absence of air pressure--;

Claim 32 line 3, "said secondary circuit" should be --said secondary brake circuit--;

Claim 34 line 18, "the opposite side" should be --an opposite side--;

Claim 36 line 3, "the associated spring brake" should be --an associated spring brake--;

Claim 37 line 3, "the associated spring brake" should be --an associated spring brake--.

2) The following is an examiner's statement of reasons for allowance: None of the references cite either alone or in combination provide a spring brake modulating relay valve with a housing comprising: a supply port, a delivery port, an exhaust port, a primary brake circuit port; a secondary brake circuit port and a control signal port; a first check valve in communication with the control signal port normally biased for permitting communication between the control signal port and the relay piston and preventing communication between the control signal port and the primary brake circuit port.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devon C. Kramer whose telephone number is 571-272-7118. The examiner can normally be reached on Mon-Fri 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on 571-272-7095. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Devon C Kramer  
Examiner  
Art Unit 3683

DK

*Devon Kramer 12/13/05*  
**DEVON C. KRAMER**  
**PATENT EXAMINER**